Council of the
European Union

Brussels, 30 March 2015
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PUBLIC

DRAFT MINUTES

Subject:	**3379th** meeting of the Council of the European Union **(FOREIGN AFFAIRS)** held in Brussels on 16 March 2015

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1. Adoption of the agenda

7118/15 OJ/CONS 16 RELEX 215

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

2. Approval of the list of "A" items

7120/15 PTS A 23
+ ADD 1

The Council approved the "A" items listed in:

1) 7120/15

2) 7120/15 ADD 1:

9. Bosnia and Herzegovina
   – Draft Council conclusions
   6990/15 COWEB 13 PESC 253 COPS 64 CSDP/PSDC 127
   approved by Coreper, Part 2, on 16.03.2015

10. Draft Council conclusions on the EU Regional Strategy for Syria and Iraq as well as the ISIL / Da'esh threat
   7247/15 COPS 75 COMAG 49 COMEM 57 PESC 295
   CSDP/PSDC 143 COHAFA 33 SY 3
   approved by Coreper, Part 2, on 16.03.2015

11. Council Decision launching the European Union CSDP Military Advisory Mission in the Central African Republic (EUMAM RCA) and amending Decision (CFSP) 2015/78
   7018/1/15 REV 1 CSDP/PSDC 138 PESC 258 COAFR 92
   RELEX 200 CONUN 48 CSC 60 EUMAM RCA 21
   5919/15 CSDP/PSDC 63 PESC 129 COAFR 45 RELEX 93
   CONUN 24 CSC 25 EUMAM RCA 9
   approved by Coreper, Part 2, on 16.03.2015

12. Council Decision on the signing and conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Central African Republic on the status in the Central African Republic of the European Union Military Advisory Mission in the Central African Republic (EUMAM RCA)
   7015/15 CSDP/PSDC 129 PESC 257 COAFR 87 RELEX 198
   CONUN 45 CSC 59 EUMAM RCA 20
   6607/15 CSDP/PSDC 106 PESC 214 COAFR 69 RELEX 165
   CONUN 32 CSC 47 EUMAM RCA 16
   approved by Coreper, Part 2, on 16.03.2015

13. – Council Decision 2012/642/CFSP concerning restrictive measures against Belarus
– Council Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus
– Draft letters
7188/15 PESC 281 RELEX 224 COEST 99 FIN 205
approved by Coreper, Part 2, on 16.03.2015

Statements to these items are set out in the Annex.

3. Africa

a) Draft Council conclusions on the political situation in Burundi in the pre-electoral context
7081/15 COAFR 90 ACP 39 RELEX 210
+ COR 1 (en)

b) Draft Council conclusions on the Gulf of Guinea Action Plan 2015-2020
7082/15 COAFR 91 ACP 40 PESC 269 RELEX 211 JAI 168

c) Draft Council conclusions on Mali
7180/15 COAFR 100 ACP 44 PESC 280 DEVGEN 31 COTER 45 COMAG 42 COHAFA 28 RELEX 223

d) Draft Council conclusions on Ebola
7173/15 COAFR 99 COHAFA 27 SAN 70

The Council held an in-depth discussion on EU relations with Africa, covering peace and security, prosperity and partnership. Ministers underlined the need for continued EU support on African capacity building. There was consensus that there are economic as well as political opportunities in Africa. Post-2015, energy, climate change and counter-terrorism were identified as horizontal issues to be taken up with the African representatives on the international scene.

In addition, the Council adopted conclusions on the political situation in Burundi in the pre-electoral context (doc. 7170/15), on the Gulf of Guinea Action Plan 2015 - 2020 (doc. 7168/15), on Mali (doc. 7203/15) and on Ebola (doc. 7200/15).

4. Libya

– Draft Council conclusions
7197/15 LIBYE 5 COMAG 44 PESC 283

The Council had an exchange of views on the political and security situation in Libya. The Council also adopted conclusions on Libya, as set out in doc. 7241/15.

5. Eastern Partnership

The Council had an exchange of views on preparations for the Eastern Partnership Riga Summit (21-22 May 2015), with a view to the European Council discussion on the Eastern Partnership on 19-20 March 2015.

6. Any other business

No issues were raised under this item.

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STATEMENTS FOR THE COUNCIL MINUTES

Ad "A" item 1: **Relations with Ukraine**

– **Draft Council Decision on the Union position within the Association Council established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part and Ukraine, of the other part with regard to the adoption of a Recommendation on the implementation of the EU-Ukraine Association Agenda**

STATEMENT BY THE UNITED KINGDOM

"The United Kingdom supports the content of the EU-Ukraine Association Agenda.

The United Kingdom notes that, following the judgment of the Court of Justice in case C-399/12 Germany v Council taken together with the adoption of Regulation 232/2014 establishing a European Neighbourhood Instrument, this Association Agenda has legal effects for the purposes of the Union's internal legal order. Consequently, it is now appropriate for the Union's position in respect of this Association Agenda to be adopted by reference to a Council Decision made pursuant to Article 218(9) TFEU.

However, the United Kingdom wishes to record its understanding that the contents of the Association Agenda, annexed to the Council Decision, being a recommendation to be made by the Association Council set up under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part and Ukraine, of the other part means that it can only contain political commitments which do not impose new legal obligations on the Parties to that Agreement. The United Kingdom considers its agreement to the method of adoption of this Association Agenda is not a precedent for the adoption of Association Agendas in the future. The method of adopting other Association Agendas will be considered on a case by case basis."

Ad "A" item 4: **Draft Council Decision on the Union position within the Association Council set up by the Euro Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, with regard to the adoption of a recommendation on the implementation of the EU-Tunisia Action Plan implementing the privileged partnership (2013-2017)**

STATEMENT BY THE CZECH REPUBLIC

"The Czech Republic wishes to stress the political significance of the 2013-2017 Action Plan and express its full support for the adoption of its content.

However, from the Czech Republic's point of view, Article 218(9) TFEU is not the correct procedural legal basis for the adoption of the 2013-2017 Action Plan, neither for the adoption of similar acts in a similar context, because these constitute important policy documents with political, but not legal effects. The relationship between the mentioned Action Plan and the Regulation (EU) No. 232/2014 establishing a European Neighbourhood Instrument (ENI) cannot change the above stated fact, since it is too vague to cause legal effects of the Action Plan in the sense of the judgement in case C-399/12 *Germany v. Council*. In the view of the Czech Republic, the interpretation given to Article 218(9) by the Court of Justice of the EU in the above referred case cannot be further extended to cover the current situation and the status of the Action Plan or similar political documents adopted in the framework of other association agreements."

STATEMENT BY THE UNITED KINGDOM

"The United Kingdom supports the content of the EU-Tunisia Action Plan implementing the privileged partnership (2013-17).

The United Kingdom notes that, following the judgment of the Court of Justice in case C-399/12 *Germany v Council* taken together with the adoption of Regulation 232/2014 establishing a European Neighbourhood Instrument, this Action Plan has legal effects for the purposes of the Union's internal legal order. Consequently, it is now appropriate for the Union's position in respect of this Action Plan to be adopted by reference to a Council Decision made pursuant to Article 218(9) TFEU.

However, the United Kingdom wishes to record its understanding that the contents of the Action Plan, annexed to the Council Decision, being a recommendation to be made by the Association Council set up under the Euro Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, means that it can only contain political commitments which do not impose new legal obligations on the Parties to that Agreement. The United Kingdom considers its agreement to the method of adoption of this Action Plan is not a precedent for the adoption of Action Plans in the future. The method of adopting other Action Plans will be considered on a case by case basis."